

04/22/2013 14:43 4159756848 WFB

1 **MICHAEL COSENTINO, State Bar No. 83253**
2 **Attorney at Law**
3 **P.O. Box 129**
4 **Alameda, CA 94501**
5 **Telephone: (510) 523-4702**
6 **Facsimile: (510) 747-1640**

7 **Attorney for Plaintiff**
8 **United States of America**

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 **UNITED STATES OF AMERICA, NO. CV 12-6099 SLM**

12 **Plaintiff,**

13 **v.**

14 **STIPULATED ORDER OF**
15 **CONTINUING GARNISHMENT**

16 **Charles W. Asberry aka Charles**
17 **T. Asberry aka Charles W.**
18 **Asbury,**

19 **Defendant,**

20 **and**

21 **Wells Fargo,**

22 **Garnishee. _____ /**

23 **IT IS HEREBY STIPULATED** by and between Judgment Creditor, United States of
24 **America, and Judgment Debtor, Charles W. Asberry aka Charles T. Asberry aka Charles W.**
25 **Asbury, that garnishee, Wells Fargo, withhold \$100.00 Monthly from Judgment Debtor's non-**
26 **exempt disposable income, commencing with the April, 2013, pay period, until the entire**
27 **current judgment balance in the amount of \$5,298.79, plus interest, has been paid in full or**
28 **until the garnishee no longer has custody, possession or control of any property belonging to**
the debtor or until further Order of this court.

IT IS HEREBY FURTHER STIPULATED that Wells Fargo, Garnishee, immediately
remit to the United States Department of Justice the above mentioned payments as and for
the month of April, 2013, and as and for each month thereafter.

IT IS HEREBY FURTHER STIPULATED that said payments be made payable to the
STIPULATED GARNISHMENT ORDER, US v. Asberry , CAND # CV 12-6099 SLM

1 U.S. Department of Justice, and be mailed to the Department of Justice-NCIF, P.O. Box
2 790363, St. Louis, MO 63179-0363, referencing the judgment debtor's name and CDCS Claim
3 number **1998B10860** on each check for posting purposes.

4 IT IS HEREBY FURTHER STIPULATED that judgment debtor, upon request by mail
5 from judgment creditor to judgment debtor, shall submit a financial statement to judgment
6 creditor annually, the form of which shall be mailed to judgment debtor by judgment creditor.

7 IT IS HEREBY FURTHER STIPULATED that in accordance with the provisions of Title
8 28 U.S.C. Section 636(c) the parties hereby voluntarily waive their rights to proceed before a
9 judge of the United States District Court and consent to have a United States magistrate judge
10 conduct any and all further proceedings in the case. It is understood that any appeal from an
11 order entered by a magistrate judge will be taken directly to the Ninth Circuit of the United
12 States Court of Appeals in the same manner as an appeal from any other judgment of a
13 District Court.

14 By his signature hereafter, Charles W. Asberry aka Charles T. Asberry aka Charles W.
15 Asbury acknowledges that he has read, understands and waives all of his rights under the
16 CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT AND INSTRUCTIONS TO
17 DEFENDANT; REQUEST FOR HEARING FORM; OBJECTION TO GARNISHEE'S ANSWER
18 AND REQUEST FOR HEARING FORM; NOTICE ON HOW TO CLAIM EXEMPTION; CLAIM
19 FOR EXEMPTION FORM and the WRIT OF CONTINUING GARNISHMENT and the
20 APPLICATION FOR WRIT OF CONTINUING GARNISHMENT and the GARNISHEE'S
21 ANSWER in exchange for the herein
22 payment stipulation.

23 Dated: April 10, 2013


Charles W. Asberry aka Charles T. Asberry aka Charles W.
Asbury

25 Dated: April 10, 2013


Michael Cosentino, Counsel for United States

27 IT IS SO ORDERED

28 Dated: May 1, 2013


UNITED STATES MAGISTRATE JUDGE